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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

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Application Number

09/380,447

Filing Date

July 22, 1999 (Int'l)

First Named Inventor

Sachdev S. SIDHU

Art Unit

1639

Examiner Name

A. Steele

Attorney Docket Number

146392004400

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication
to TC☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):Statement Pursuant to 37 CFR
1.821(f) (2 pages)

Sequence Listing (98 pages)

Electronic copy of Sequence Listing
(1 disk)Copy of Notice to Compy (5 pages)
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP (Customer No. 25226)

Signature

Printed name

Jian Xiao

Date

April 7, 2008

Reg. No.

55,748

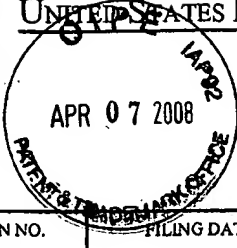
I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM 021716564 US, on the date shown below in an envelope addressed to: MS Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 7, 2008

Signature: (Sheila Salenga)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,447	09/01/1999	Sachdev S. Sidhu	11669.141USWO	2633

23552 7590 03/05/2008
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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Morrison & Foerster LLP
Pat. Att.

EXAMINER

STEELE, AMBER D

ART UNIT PAPER NUMBER

1639

MAIL DATE DELIVERY MODE

03/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RPS

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DUE DATE: 4-5-08

FINAL DUE DATE: 9-5-08



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APPLICATION NO. 09380447	FILING DATE 9/1/1999	FIRST NAMED INVENTOR SIDHU ET AL.	ATTORNEY DOCKET NO. 11669.141USWO
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

Amber D.. Steele

ART UNIT	PAPER
1639	20080225

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1)The present application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821 (a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825. Specifically, claims 4, 52, 53, 54, 56, 57, 58, 60, 61, and 62 contain variable sequences without proper SEQ ID NO(s): (e.g. only variable residues are provided for wild type SEQ ID NO: 2). SEQ ID NO: 2 is the wildtype protein wherein all of the residues are provided (i.e. no variable residues). Claims 4, 52, 53, 54, 56, 57, 58, 60, 61, and 62 require at least three variable residues at positions 1-30 while residues 31-50 are specifically defined (i.e. at least 4 specifically defined amino acids). A sequence such as "Xaa Val Ile Val Gly Ala Thr Ile Gly Ile Lys Leu Phe Pys Lys Phe Thr Ser Lys Ala Ser" is required. Please refer to SEQ ID NO: 1 for another example (i.e. variable residues further defined; not all 20 amino acid residues possible).

2) Please refer to MPEP § 2422.03. In those instances in which prior art sequences are only referred to in a given application by name and a publication or accession reference (e.g. variations of a WT protien indicated by residue number only), they need not be included as part of the "Sequence Listing," unless an examiner considers the referred- to sequence to be "essential material," per MPEP § 608.01(p). It is generally acceptable to present a single, general sequence in accordance with the sequence rules and to discuss and/or claim variants of that general sequence without presenting each variant as a separate sequence in the "Sequence Listing."

3)Applicant is given ONE MONTH from the date of this letter within which to comply with the Sequence Rules, 37 CFR 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In NO case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

4)Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber D. Steele whose telephone number is 571-272-5538. The examiner can normally be reached Monday through Friday 9:00AM-5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz can be reached at 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 25, 2008

/Amber D. Steele/
Patent Examiner, Art Unit 1639



Notice to Comply	Application No. 09/380,447	Applicant(s) SIDHU ET AL.	
	Examiner A. D. Steele	Art Unit 1639	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See the attached PTO-90C.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

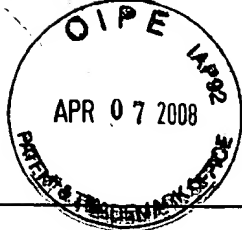
For CRF Submission Help, call (571) 272-2501/2583.

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Sequence Count Sheet

Application/Control No.

09/380,447

Examiner

Amber D. Steele

Applicant(s)

SIDHU ET AL.

Art Unit

1639

DATE OF COUNT

Mark only one space below

- ☐ **(CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- ☐ **(CRFD)** (CRF does not comply; use Notice to Comply)
- ☐ **(CRFR)** (CRF required but none submitted; use Notice to Comply)
- ☒ **(bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- ☐ **(non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)